

SENATE CHAMBER,  
AUSTIN, TEXAS, Monday, March 6, 1871. }

Senate met pursuant to adjournment; Hon. Don Campbell, President, in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Gaines, the reading of the journal of Friday was dispensed with.

Under direction of the President, the Secretary carried to the House, for concurrence, Senate bill No. 110, "An act to incorporate the Rusk and Harrison County Railway Company."

The President announced a communication from the Grand Jurors of Hill county, as follows:

GRAND JURY ROOM,  
HILL COUNTY, TEXAS, February 24, 1871.

To the Honorable Senate and House of Representatives:

GENTLEMEN: We, the undersigned Grand Jurors of the county of Hill, empanelled for this the February term of the District Court in and for Hill county, would most respectfully represent to your honorable bodies that the matters concerning the late difficulties which occurred recently in our county, in which our fellow-citizen, James Gathings, is principally interested, has been brought before us; and we have thought best, in our deliberations, to present this, our petition, to you, and request that a committee, composed of members of both the Senate and House of Representatives, irrespective of party, be sent here with a view of investigating thoroughly and bringing to light all the facts connected with this unfortunate affair. Our action in relation to this matter is prompted by a desire promotive of justice, liberality and honesty. And we do, hereby, pledge our time and services to the aid of any measure which has for its object a strict, equitable and just administration and execution of the laws.

We are, most respectfully, your obedient servants,

B. F. YERBY, Foreman.

G. R. WILLIAMS,

THOS. BELL, JR.,

P. WEBB,

E. PIERCE,

R. M. GRAHAM,

WM. POWELL,

J. F. HEROD,

E. ROBERTS,

R. A. GEE,

A. ROBERTS,

JAMES OLIVER,

J. B. DOAT,

ROBERT K. LEE,

DAVID JOHNSON,

JAS. Y. BLOCKER.

Senator Pickett moved that the memorial be referred to a select committee of three to inquire into the matter and report at an early date.

Senator Rawson moved to refer the memorial to the Committee on Militia, which motion was lost.

The question recurring on the motion to refer to a select committee of three, the motion was adopted.

The President appointed on said committee Senators Pickett, Rawson and Pridgen.

### PETITIONS AND MEMORIALS.

By Senator Pettit: Petition from the citizens of Henderson county, asking for a charter for a ferry at Bazette, on Trinity river, Navarro county. Read and referred to Committee on Roads, Bridges and Ferries.

### REPORTS OF STANDING COMMITTEES.

Reports of Committee on Roads, Bridges and Ferries :

COMMITTEE ROOM,  
AUSTIN, March 6, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Roads, Bridges, and Ferries, to whom was referred Senate bill No. 109, to be entitled " An act to authorize J. F. Smith and J. Easley to erect a toll bridge over Guthrie creek and the swamp channel of Grace's creek, in Upshur county, Texas," having carefully considered the same, have the honor to report the same back, recommending its passage.

Respectfully,

JOHN G. BELL,  
Chairman.

Report read and laid over under the rules.

COMMITTEE ROOM,  
AUSTIN, March 6, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 132, to be entitled " An act authorizing C. C. Dewitt and T. M. Harwood, of Gonzales county, to construct a bridge across the Guadalupe river, at or near Gonzales, in Gonzales county," having carefully considered the same, have the honor to report the same back, recommending its passage.

Respectfully,

JOHN G. BELL,  
Chairman.

Report read, and laid over under the rules.

COMMITTEE ROOM,  
AUSTIN, March 6, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 152, to be entitled "An act to incorporate the Falls County Turnpike, Road and Bridge Company," having carefully considered the same, report the same back, and respectfully recommend its passage, with the following amendments :

In section two, line twenty-one, by inserting after the word "three" the following, "and completed in five years."

Respectfully,

JOHN G. BELL,  
Chairman.

Report read and laid over under the rules.

COMMITTEE ROOM,  
AUSTIN, March 6, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 208, to be entitled "An act to incorporate the San Antonio Bridge Company," having carefully considered the same, have the honor to report the same back, and recommend its passage.

Respectfully,

JOHN G. BELL,  
Chairman.

Report read and laid over under the rules.

Report of Committee on Engrossed Bills :

COMMITTEE ROOM,  
AUSTIN, March 6, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills having examined and compared Senate bill No. 22, "To incorporate the Johnson Point Male and Female Seminary," and Senate bill No. 80, "For the relief of S. B. Buckley, late assistant State Geologist, find the same to be correctly engrossed.

G. T. RUBY,  
E. L. DOHONEY,  
P. W. HALL.

Report read and received.

Reports of Committee on State Affairs:

COMMITTEE ROOM,  
AUSTIN, March 2, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 76, entitled "An act to incorporate the Austin Gas Light Company," have carefully considered the same and instruct me to report the same back with the following amendments and recommend its passage, to-wit: Amend section one, line twelve, strike out the word "perpetual." In the same section, line thirty-two, strike out all after the word "business," down to and including the word "corporation" in line thirty-eight. Amend section three, line seven, strike out the word "contribute" and insert the word "constitute." Amend section seven, lines two and three, strike out the following: "Considered perpetual property and shall be."

S. W. FORD,  
Chairman.

Report read and laid over under the rules.

COMMITTEE ROOM,  
AUSTIN, March 6, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 90, entitled "An act to incorporate the Encinal Stock Raising, Trading and Transportation Company," have carefully considered the same and instruct me to report the same back with the following amendments and recommend its passage, to wit: Amend section one, line nineteen, strike out all of said section after the word "acts," and insert "not inconsistent with the laws of this State or the United States." Section eight, line six, strike out the words "party interested," and insert the words "person or persons." Amend section eleven, line five, strike out all of said section after the word "necessary." Strike out section twelve. Section fifteen, line one, after the word "the," insert "right;" line four, strike out the word "company" and insert "stockholders."

S. W. FORD,  
Chairman.

Report read and laid over under the rules.

Senator Douglass submitted the following report of the Committee of Conference on Senate bill No. 128:

COMMITTEE ROOM,  
AUSTIN, March 3, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Committee of Conference having had under consideration and conference Senate bill No. 128, "providing for the preservation and safe keeping of the Supreme Court library at Tyler," and the House substitute therefor, have instructed me to report the accompanying bill and recommend its passage. Your committee further recommend that an appropriation of such sum as your Judiciary Committee may deem proper, be made for the purpose of making such further additions as may be necessary to the Supreme Court library at Austin.

Respectfully submitted,

J. P. DOUGLASS,  
Chairman.

Substitute for Senate bill No. 128, a bill to be entitled "An act concerning the Supreme Court Library." Report and substitute read first time and laid over under the rules.

### RESOLUTIONS.

By Senator Flanagan: Senate joint resolution No. 23, "Joint resolution asking the Congress of the United States to pass an act giving a pension to the widow and minor children of Captain William W. Montgomery." Read first time and referred to the Committee on Federal Relations.

The President announced the following appointments on Committees:

Add to Committee on Privileges and Elections, in place of Senator Clarke, deceased, Senator Braughton.

Add to Committee on State Affairs, in place of Senator Clarke, deceased, Senator Shannon.

### GENERAL FILE.

Senate bill No. 55, "An act to incorporate the East Texas Cotton, Woolen and Cotton Seed Oil Manufacturing Company," read second time, ordered engrossed and passed to a third reading.

On motion of Senator Flanagan, the rules were suspended, Senate bill No. 55 read third time and passed.

By leave, Senator Parsons introduced the following bills:

A bill (Senate bill No. 218) to be entitled "An act to amend an act entitled 'an act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county,' passed August 2, 1870." Read first time and referred to Committee on Judiciary.

Also, a bill (Senate bill No. 219) to be entitled "An act to incorporate the Texas Savings Bank." Read first time and referred to Committee on State Affairs.

Senator Saylor moved a suspension of the rules to take from file House joint resolution No. 9, "requiring the Comptroller of Public Accounts to draw his warrant or warrants on the Treasurer to pay the salary of the Assistant Attorney General."

Rules suspended and House joint resolution No. 9 read second time.

Senator Gaines moved a further suspension of the rules to place House joint resolution No. 9 on its third reading and final passage.

Yeas and nays called for and lost by the following vote:

Yeas—Baker, Braughton, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Latimer, Mills, Parsons, Pettit, Pridgen, Ruby, Saylor, Tendick—16.

Nays—Mr. President, Bell, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Pickett, Pyle, Rawson, Shannon—12.

#### GENERAL FILE—Resumed.

Senate bill No. 79, to be entitled "An act to amend an act entitled 'an act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico.' " Read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Saylor, it was made the special order for Wednesday next, at 12 M.

Senate bill No. 2, "An act granting assistance to the Agricultural and Blood Stock Association of Texas." Read second time.

11 o'clock A. M.

The hour having arrived for the consideration of the special order, Senate bill No. 94 "An act giving effect to the several provisions of the Constitution concerning taxes."

On motion of Senator Parsons, the special order was postponed until the business before the Senate was disposed of.

Pending discussion, on motion the Senate resolved itself into Committee of the Whole, to consider Senate bill No. 94.

IN SENATE.

Senator Flanagan, Chairman of the Committee of the Whole, having under consideration Senate bill No. 94. "An act to give

effect to the several provisions of the Constitution concerning taxes," reported the following substitute, and asked to be discharged from the further consideration of the same:

Substitute Senate bill No. 94, "An act to give effect to the several provisions of the Constitution concerning taxes."

On motion, the report was received, substitute adopted, and the committee was discharged.

12 o'clock, M.

The hour having arrived for the special order, Senate bill No. 9, an act to be entitled "An act to authorize the county courts to sell the School Lands situated in their respective counties," on motion of Senator Ruby, it was postponed until the business before the Senate was disposed of.

Substitute Senate bill No. 94 read second time.

Senator Ford offered the following amendment: Add to section three:

PROPERTY EXEMPT FROM TAXES.

Two hundred and fifty dollars worth of the household or other property belonging to each family shall be exempt from all taxation.

All buildings with their furniture and library, designed and used solely for purposes of education or public worship, together with the land owned by said institutions of learning or churches, upon which the same is situated, not exceeding five acres, shall be, and the same are hereby exempt from taxation. All buildings, furniture, libraries, philosophical apparatus, and lands attached thereto, not exceeding five acres in each case, owned by, or dedicated to and occupied for charitable or literary associations, while continued in such ownership, dedication or use, shall be exempt from taxation.

All engines, machinery and implements of every kind used by any fire company or hook and ladder company for the extinguishing of fires, together with buildings sufficient for housing the same, shall be exempt from all taxation.

Senator Douglass called for a division of the question. Division ordered.

The question being on the motion to "amend by adding two hundred and fifty dollars worth of the household property belonging to each family, shall be exempt from all taxation," yeas and nays called on the adoption of the amendment:

Yeas—Mr. President, Baker, Bell, Bowers, Braughton, Cole, Dillard, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Latimer, Mills, Pettit, Pickett, Rawson, Ruby, Shannon—22.

Nays—Douglass, Evans, Parsons, Pyle, Saylor, Tendick—6.

So the amendment was adopted.

The question recurring on the latter portion of the amendment, it was adopted.

Senator Pridgen offered the following amendment:

Amend by adding to section six the following: "*provided further*, that any one wishing to pursue any of the above named vocations for a less period than one year, may do so by paying a *pro rata* amount of such occupation for the period he may desire; *provided further*, that no occupation license shall issue for a less period than three (3) months." Amendment adopted.

On motion of Senator Pickett, substitute Senate bill No. 94 ordered engrossed and passed to a third reading as amended.

On motion of Senator Pickett the rules were further suspended, and substitute Senate bill No. 94 was placed on its third reading and final passage.

Senator Bell moved to reconsider the vote placing substitute Senate bill No. 94 upon its third reading and final passage.

Motion to reconsider carried.

Senator Parsons offered the following amendment:

Amend by adding the following to section —:

#### THE TAX TO PAY THE SINKING FUND AND INTEREST ON STATE BONDS.

An annual direct *ad valorem* tax on all property subject to taxation, sufficient to pay the sinking fund and interest on all bonds of the State, according to the stipulations of such bonds. The rate of this tax is to be fixed by the board of revision, with reference to bonds registered, and to the value of the property subject to taxation, as ascertained from the latest assessment, and this tax is to be levied annually, as the bonds issued in conformity with law may render necessary, by the Comptroller of Public Accounts.

Yeas and nays called for and the amendment lost by the following vote:

Yeas—Mr. President, Bell, Cole, Douglass, Flanagan, Ford, Fountain, Hall, Parsons, Pettit, Pyle, Ruby—12.

Nays—Baker, Bowers, Braughton, Dillard, Dohoney, Evans, Gaines, Hertzberg, Hillebrandt, Latimer, Mills, Pickett, Pridgen, Rawson, Saylor, Shannon, Tendick—17.

On motion of Senator Pickett substitute Senate bill No. 94 ordered engrossed and passed to a third reading.

On motion of Senator Pickett the rules were suspended and substitute Senate bill No. 94 was read third time and passed by the following vote:



Yeas—Mr. President, Bell, Bowers, Cole, Dillard, Dohoney, Evans, Ford, Fountain Gaines, Hall, Hertzberg, Hillebrandt, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Rawson, Ruby, Saylor, Tendick—23.

Nays—Baker, Braughton, Douglass, Flanagan, Pyle, Shannon—6.

Senator Ruby submitted the following report of Committee on Engrossed bills.

COMMITTEE ROOM,  
AUSTIN, March 6, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 87, "To organize and incorporate the East Line and Red River Railroad Company," find the same correctly engrossed.

G. T. RUBY,  
E. L. DOHONEY,  
P. W. HALL.

Report read and received.

By leave, Senator Fountain introduced Senate joint resolution No. 24, and requested it to be spread upon the journal as follows:

Senate joint resolution No. 24:

WHEREAS, It has been made manifest to the Legislature of the State of Texas that large bands of Comanche and Kiowa Indians, well armed with repeating rifles, and mounted, periodically enter the State of Texas from the United States Indian Reservation known as Fort Sill, in the Indian Territory, with the avowed purpose of making war upon the citizens of the State of Texas; and

Whereas, said bands of Indians do murder and rob our citizens and capture their children, and return to said reservation with their plunder and captives, and are there harbored and protected; and

Whereas, it is believed that the removal of these Indians from their reservation on the frontier of Texas is absolutely necessary for the protection of the lives and property of the citizens of the frontier counties of the State, therefore

*Be it resolved by the Legislature of the State of Texas, That our Senators be instructed and our Representatives in Congress be requested to use their exertions to effect the removal of said Indians to a point at least 150 miles from the civilized settlements or organized counties in Texas, and that a copy of this resolution be forwarded to the President of the United States, and to our Senators and Representatives in Congress.*

Senate joint resolution No. 24 read first time.

On motion of Senator Fountain the rules were suspended and Senate joint resolution No. 24 was read second and third times and passed.

On motion of Senator Gaines, the special order, Senate bill No. 9, "An act to be entitled an act authorizing the county courts to sell the school lands situated in their respective counties," was postponed and made the special order for to-morrow at 12 o'clock, M.

On motion of Senator Flanagan, the Senate adjourned to 3 o'clock P. M.

SENATE CHAMBER—AFTERNOON SESSION, {  
AUSTIN, TEXAS, Monday, March 6, 1871. }  
3 o'clock, P. M.

Senate met pursuant to adjournment: Hon. Don Campbell, President, in the chair.

Roll called; quorum present.

Absent—Senator Bowers.

On motion of Senator Baker the rules were suspended to take from file Senate bill No. 132, to be entitled "An act authorizing C. C. DeWitt and F. M. Harwood, of Gonzales county, to construct a bridge across the Guadalupe river, at or near Gonzales, in Gonzales county.

Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Baker, the rules were further suspended, and Senate bill No. 132 read third time and passed.

President Campbell, under a suspension of the rules, called up Senate bill No. 19, to be entitled "An act to incorporate the Citizens Savings Bank, of Jefferson." Read second time.

The following amendments reported by the Committee on State Affairs were adopted:

Amend section four, in line two, by striking out the word "twenty," and inserting the word "fifty;" and in line fifteen, by striking out the word "five," and inserting the word "ten."

Amend section eight, in line two, by striking out the word "twenty," and inserting the word "fifty."

Amend section nine, in line six, by inserting after the word "them" the words, "which they themselves have deposited."

Senate bill No. 19 ordered engrossed, and passed to a third reading as amended.

On motion of Senator Mills, the rules were further suspended, and Senate bill No. 19 read the third time and passed.

On motion of Senator Dohoney, the rules were suspended to take from file Senate bill No. 123, "An act in relation to the Atlantic and Pacific Railroad Company," which was read the second time.

On motion of Senator Dohoney, the following amendment, reported by the Committee on State Affairs, was adopted:

Amend in section one, line twenty-two, after the word "thence" "to a crossing on the Neches river that shall not be below the mouth of Bowles' creek, in Cherokee county, and thence by direct line on the west side of the Neches river."

Senator Dohoney moved to amend by striking out section five, which motion was adopted.

Senator Dohoney moved to amend section thirteen, line four, by inserting the word "Mexican" before the word "Gulf," which amendment was adopted.

Senate bill No. 123 ordered engrossed, and passed to a third reading as amended.

On motion of Senator Dohoney, the rules were further suspended, and Senate bill No. 123 was read a third time and passed.

On motion of Senator Douglass, the rules were suspended to take from file Senate bill No. 165, a bill to be entitled "An act to incorporate the Tyler Real Estate and Banking Association," which was read the second time, ordered engrossed, and passed to third reading.

On motion of Senator Douglass, the rules were further suspended, and Senate bill No. 165 was read the third time and passed.

On motion of Senator Evans, the rules were suspended to take from file Senate bill No. 20, "An act to incorporate the Bank of Texas," which was read third time and passed.

On motion of Senator Flanagan, the rules were suspended to take from file Senate bill No. 112, "An act for the relief of the Eastern Texas Railroad Company." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Mills, the rules were further suspended, and Senate bill No. 112 read third time and passed.

On motion of Senator Ford, the rules were suspended to take from file Senate bill No. 126, "An act to incorporate the town of Marlin, Falls county." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Bell, the rules were further suspended, and Senate bill No. 126 read third time and passed.

On motion of Senator Fountain, the rules were suspended to take from file House bill No. 193, "An act to incorporate the Corpus Christi Navigation Company." Read first time.

On motion of Senator Fountain, the rules were further suspended, and House bill No. 193 read second and third times and passed.

On motion of Senator Gaines, the rules were suspended to take from file Senate bill No. 103, "An act to be entitled an act to incorporate the Navasota, Washington and Brazos Bridge Company." Read second time.

Senator Gaines offered the following amendment, which was adopted:

Amend by striking out the name of "Matthew Gaines" in the bill wherever it occurs.

On motion of Senator Gaines, Senate bill No. 108 ordered engrossed and passed to a third reading as amended.

On motion of Senator Gaines, the rules were further suspended, Senate bill No. 108 read third time and passed.

On motion of Senator Hall, the rules were suspended to take from file House bill No. 102, "An act to incorporate the city of Calvert, in Robertson county." Read first time.

On motion of Senator Hall, the rules were further suspended, House bill No. 102 read second and third times and passed.

On motion of Senator Hertzberg, the rules were suspended to take from file Senate bill No. 107, "An act to be entitled an act to incorporate the San Antonio Shooting Company." Read second time.

On motion of Senator Hertzberg, the rules were further suspended and Senate bill No. 107 read third time and passed.

On motion of Senator Hillebrandt, the rules were suspended to take from file Senate bill No. 200, to be entitled "An act to prohibit the sale of intoxicating and spirituous liquors within one and a half miles of Oso, Fayette county." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Fountain, the rules were further suspended, Senate bill No. 200 read third time and passed.

On motion of Senator Latimer, the rules were suspended to take from file House bill No. 165, "An act for the relief of the estate of Thomas Carothers, deceased." Read first time.

Senator Pridgen moved to refer House bill No. 165 to a select committee of three, which motion was adopted.

The President appointed on said committee Senators Pridgen, Mills and Ruby.

On motion of Senator Mills, the rules were suspended, to take from file House bill No. 68, "An act to incorporate the town of Millican, county of Brazos." Read first time.

On motion of Senator Saylor, the rules were further suspended, and House bill No. 68 read second and third times, and passed.

On motion of Senator Pickett, the rules were suspended, to take

from file Senate bill No. 172, "An act to incorporate the Texas Dry Dock Company." Read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Mills, the rules were further suspended, Senate bill No. 172 read third time and passed.

On motion of Senator Parsons, the rules were suspended to take from file Senate bill No. 65, to be entitled "An act to prevent the sale of vinious, spiritous and malt liquors within two miles of Eureka Mills Seminary of Learning." Read second time.

On motion of Senator Parsons, the following amendments, reported by the Committee on State Affairs, were adopted :

Amend section one, line five, by striking out all after the word "within," down to and including the word "company," and insert in line three the following words: "one mile of the seminary of learning situated within the inclosure of the Eureka Mills, and whenever the seminary of learning is discontinued for the period of twelve months, said act shall be null and void."

Senate bill No. 65 ordered engrossed and passed to a third reading as amended.

On motion of Senator Parsons, the rules were further suspended, Senate bill No. 65 read third time and passed.

On motion of Senator Pettit, the rules were suspended to take from file Senate bill No. 166, to be entitled "An act to organize and maintain a system of public free schools in the State of Texas."

On motion of Senator Mills, Senate bill No. 166 was made the special order for 11 A. M., to-morrow.

On motion of Senator Pridgen, the rules were suspended to take from file Senate bill No. 89, "An act to incorporate the West Texas Road Steamer Transportation Company." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Pridgen, the rules were further suspended and Senate bill No. 89 was read the third time.

Senator Mills moved to refer Senate bill No. 89 to a select committee of five, which motion was adopted.

The President appointed on said committee Senators Mills, Pickett, Pridgen, Ruby, Hertzburg.

On motion of Senator Pickett, Senator Fountain was added to the select committee.

On motion of Senator Hall, the Senate adjourned to 10 A. M., to-morrow.

---